

WESTERN DISTRICT OF CLEVELAND

NEWFLAND

) INDICTMENT

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NO. 20 CR 186

Title 18, United States Code,
Sections 2251(a) and (e),
2252(a)(2) and (b)(1),
2252A(a)(5)(B) and (b)(2), and

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1. Minor Victim 1 (hereinafter “MV-1”) was a resident of the Eastern District of Michigan and was under the age of 18.
2. Minor Victim 2 (hereinafter “MV-2”) was a resident of the Eastern District of Michigan and was under the age of 18.
3. Minor Victim 4 (hereinafter “MV-4”) was a resident of the Northern District of Texas and was under the age of 18.
4. Minor Victim 19 (hereinafter “MV-19”) was a resident of Eastern District of Wisconsin and was under the age of 18.

5. During the time periods covered in the Indictment, beginning at least as early as November 1, 2015, Defendants DAVID PECE, MYRON BROWN, MARK DELACRUZ, STEVEN FOSTER, RICHARD AVERY, ETHAN SHIVES, and Co-conspirator #1, worked together in a group, with others known and unknown to the Grand Jury, to convince and attempt to convince minor victims, both known and unknown to the Grand Jury, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), on web camera so that PECE, BROWN, DELACRUZ, FOSTER, AVERY, SHIVES, and Co-conspirator #1 could view and record this sexually explicit conduct.

6. Specifically, PECE, BROWN, DELACRUZ, FOSTER, AVERY, SHIVES, Co-conspirator #1 and others known and unknown to the Grand Jury, conspired together through chat discussions over the Internet to lure minor victims to one or more chatroom-based websites. Once the minor victims visited these chatroom-based websites, Defendants and others known and unknown to the Grand Jury, enticed and attempted to entice the minor victims to engage in sexual acts and to lasciviously display their genitals and pubic area via web camera, which they recorded.

7. Defendant DAVID PECE was a resident of the Northern District of Ohio, and participated in the conspiracy from the Northern District of Ohio. During these time periods, PECE worked with BROWN, DELACRUZ, FOSTER, AVERY, SHIVES, Co-conspirator #1 and others known and unknown to the Grand Jury to target MV-1, MV-2, MV-4, and MV-19 and others.

COUNT 1

(Conspiracy to Engage in Sexual Exploitation of Children, 18 U.S.C. § 2251(a) and (e))

The Grand Jury charges:

8. Paragraphs 1 through 7 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

9. From on or about October 22, 2015 through on or about March 12, 2016, in the Northern District of Ohio, and elsewhere, Defendants DAVID PECE, MYRON BROWN; MARK DELACRUZ, STEVEN FOSTER, RICHARD AVERY, ETHAN SHIVES, and Co-conspirator #1, did combine, conspire, confederate, and agree together and with others both known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce one or more minors to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, such visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 2

(Sexual Exploitation of Children, 18 U.S.C. §§ 2251(a) and 2)

The Grand Jury further charges:

10. Paragraphs 1 through 7 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

11. From on or about January 21, 2016 through on or about March 27, 2016, in the Northern District of Ohio, and elsewhere, Defendants DAVID PECE, MYRON BROWN, MARK DELACRUZ, STEVEN FOSTER, RICHARD AVERY, ETHAN SHIVES, Co-conspirator #1, and others both known and unknown to the Grand Jury, attempted to and did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-4, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct and transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce; such visual depiction was produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and 2.

COUNT 3

(Conspiracy to Receive Visual Depictions of Minors Engaged in Sexually Explicit Conduct,
18 U.S.C. §§ 2252(a)(2) and (b)(1))

The Grand Jury further charges:

12. Paragraphs 1 through 7 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

13. From on or about October 22, 2015 through on or about March 12, 2016, in the Northern District of Ohio, and elsewhere, Defendants DAVID PECE, MYRON BROWN, MARK DELACRUZ, STEVEN FOSTER, RICHARD AVERY, ETHAN SHIVES, Co-conspirator #1, and others both known and unknown to the Grand Jury, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly receive visual depictions of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), that have been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that has been shipped and transported using any means or facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT 4

(Conspiracy to Access with Intent to View Child Pornography,
18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2))

The Grand Jury further charges:

14. Paragraphs 1 through 7 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

15. From on or about October 22, 2015 through on or about March 12, 2016, in the Northern District of Ohio, and elsewhere, Defendants DAVID PECE, MYRON BROWN, MARK DELACRUZ, STEVEN FOSTER, RICHARD AVERY, ETHAN SHIVES, Co-conspirator #1, and others both known and unknown to the Grand Jury, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly access with intent to view material which contained one or more images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and transported in

and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.